Supreme Court, U.S.
FILED
JAN 28 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

NO. _____

JEREMY MYER,

Petitioner,

v.

PACIFIC FEDERAL SAVINGS
AND LOAN ASSOCIATION,

Respondent.

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE STATE OF CALIFORNIA SUPREME COURT

Part 1 of 4

JEREMY MYER
16783 Beach Boulevard
Huntington Beach, CA 92647
714/841-8104
Petitioner, In Pro Se

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	NOTICE OF SPECIAL CONTINUING APPEARANCE
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	)	

I, JEREMY MYER, hereby appear SPECIALLY and NOT generally, and assert all of my RIGHTS as secured by....The Constitution of the United States..., and the Constitution and Law of this State...

I respectfully object to the jurisdiction and/or authority of this Court both over the subject matter and/or my person. I DEMAND ALL OF MY RIGHTS, AND I DO NOT WAIVE ANY OF THEM!

Dated: December 29, 1983

Respectfully submitted,

Jeremy Myer, In Pro Per

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	MOTION TO QUASH SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	)	

S P E C I A L A P P E A R A N C E

COMES NOW THE OWNER OF THE SUBJECT PROPERTY, JEREMY MYER, who appears SPECIALLY and not generally, and whose sole purpose is to challenge the jurisdiction of this Court over the Owner IN PERSONAM and IN REM, and to demand respectfully that the Complaint brought by the Plaintiff be dismissed for LACK OF JURISDICTION.

POINTS AND AUTHORITIES

1. JEREMY MYER is the Owner of the subject Property.

2. The JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY submitted herewith is included herein by its reference.

WHEREFORE, the Owner, JEREMY MYER, respectfully demands this Court to QUASH this case for the grounds as stated above.

Dated: December 29, 1983.

Respectfully submitted,

Jeremy Myer
Owner, In Propria Persona

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	Civil Action No. A 73032
v.	NOTICE OF SPECIAL CONTINUING APPEARANCE
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	

I, JEREMY MYER, hereby appear SPECIALLY and NOT generally, and assert all of my RIGHTS as secured by....The Constitution of the United States..., and the Constitution and Law of this State...

I respectfully object to the jurisdiction and/or authority of this Court both over the subject matter and/or my person. I DEMAND ALL OF MY RIGHTS, AND I DO NOT WAIVE ANY OF THEM!

Dated: December 29, 1983

Respectfully submitted,

Jeremy Myer, In Pro Per

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	MOTION TO QUASH
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	)	SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION

S P E C I A L A P P E A R A N C E

COMES NOW THE OWNER OF THE SUBJECT PROPERTY, JEREMY MYER, who appears SPECIALLY and not generally, and whose sole purpose is to challenge the jurisdiction of this Court over the Owner IN PERSONAM and IN REM, and to demand respectfully that the Complaint brought by the Plaintiff be dismissed for LACK OF JURISDICTION.

POINTS AND AUTHORITIES

1. JEREMY MYER is the Owner of the subject Property.

2. The JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY submitted herewith is included herein by its reference.

WHEREFORE, the Owner, JEREMY MYER, respectfully demands this Court to QUASH this case for the grounds as stated above.

Dated: December 29, 1983.

Respectfully submitted,

Jeremy Myer
Owner, In Propria Persona

DECLARATION

I, JEREMY MYER, Owner of the subject property in this case, declare that:

1. I am the owner of the subject property.

2. I was the purchaser of the subject property at the foreclosure sale....

3. I have been and am in possession of subject property, and Defendant JOHN RAY WOELKE has NOT been in possession...at any time pertinent to this case.

4. The Unlawful Detainer SUMMONS, COMPLAINT, and VERIFICATION were left in Owner's mailbox on December 26, 1983, do not apply to Owner, do not apply to JOHN RAY WOELKE since he has not been and is not the possessor of the subject property at any time pertinent to this case.

5. Such Unlawful Detainer is null and void, and inappropriate, due to the foregoing.

6. I have instituted action against Plaintiff (and others) in Superior Court, Orange County, On November 30, 1983, Case No. 41-72-38, regarding the subject property.

7. I now declare and affirm that this Court does not have jurisdiction to proceed in this matter.

8. I affirm that the foregoing is true and correct to the best of my knowledge and belief.

DATED: December 29, 1983

Jeremy Myer
DECLARANT

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	JUDICIAL NOTICE
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	)	AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY

S P E C I A L A P P E A R A N C E

NOTICE IS HEREBY GIVEN that Owner, JEREMY MYER, gives JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO THE PLAINTIFF'S ATTORNEY that:

I. JUDICIAL NOTICE is to be taken of the Constitution of the United States and the LAWS made in PURSUANCE thereof; the Constitution of the State of California; and that:

> The Constitution of the United States is THE SUPREME LAW OF THE LAND, and binds every forum, whether it derives its authority from a State or from the United

States. (Emphasis added.)
Cook v. Moffat & Curtis,
46 U.S. 295; 12 L.Ed. 159

The Constitution of the United States and all LAWS enacted PURSUANT to the powers conferred by it on Congress are THE SUPREME LAW OF THE LAND to the same extent as though EXPRESSLY WRITTEN INTO EVERY STATE LAW AND JUDGES IN EVERY STATE ARE BOUND THEREBY, anything in the LAWS of the State to the contrary NOTWITHSTANDING. (Emphasis added.)
People ex rel Happell v. Sischo
23 Cal.2d 478; 144 Pac.2d 785

Where RIGHTS are involved, there can be no rule-making or legislation which abrogates them. (Emphasis added.)
Miranda v. Arizona,
384 U.S. 436; 86 S.Ct. 1602;
16 L.Ed.2d 694

II. JUDICIAL NOTICE is to be taken of the NOTICE OF CONTINUING SPECIAL APPEARANCE, and the NOTICE OF MOTION AND MOTION TO QUASH SERVICE OF SUMMONS FOR LACK OF JURISDICTION (and the POINTS AND AUTHORITIES and DECLARATION) submitted herewith.

III. JUDICIAL NOTICE is to be taken of the following:

A. I, JEREMY MYER, purchased the subject property at the Trustee's Sale on October 28, 1983.

B. By my letter dated October 28, 1983, Owner JEREMY MYER served constructive NOTICE on the auctioneer and Agent of the BENEFICIARY (Plaintiff herein) accordingly, including the statement: I ALSO NOTIFY YOU THAT I AM IN POSSESSION OF SAID PROPERTY,....

C. By said letter...the Trustee was also constructively noticed.

D. By my letter dated October 31, 1983, the Plaintiff herein was also noticed, included therewith a copy of the letter identified in III B, above.

E. Owner JEREMY MYER subsequently received a letter from the Vice President and General Counsel of the Agent which effectively receipted Owner's correspondence. Said Agent's letter is dated

November 2, 1983.

F. Owner JEREMY MYER also received a letter dated November 3, 1983, from the Senior Vice President and General Counsel for the Plaintiff herein, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, effectively receipting Owner's correspondence. Said letter bears the following address:

CORPORATE OFFICES
1901 Newport Boulevard
Costa Mesa, CA 92627

Notice is to be made that Costa Mesa is in Orange County, CA.

G. On November 30, 1983, Owner JEREMY MYER filed a seven-causes of action COMPLAINT as Plaintiff therein against Plaintiff herein (and others) IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF ORANGE, pertinent to the subject property and Owner's purchase of it, etc. Said COMPLAINT is CASE NO. 41-72-38, and was

served the same day (by mail).

H. Said COMPLAINT includes...:

> PLAINTIFF [JEREMY MYER] WAS, AND IS, FOR ALL MATTERS OF THIS COMPLAINT, THE RESIDENT OCCUPANT OF THE SUBJECT PREMISES.

I. Said COMPLAINT also included copies of ALL of the aforesaid correspondence in this section III.

J. Plaintiff herein,...had ample NOTICE of JEREMY MYER'S occupancy/ownership of the subject property.

. . . .

N. On December 9, 1983, Owner JEREMY MYER filed a NOTICE OF PENDING ACTION with the Orange County Recorder, and with the SUPERIOR COURT OF ORANGE COUNTY to supplement CASE NO. 41-72-38. Plaintiff herein was served (by mail) a copy of said NOTICE OF PENDING ACTION the same day.

O. On December 26, 1983, a copy of

the SUMMONS and COMPLAINT--Unlawful Detainer was left in the mailbox of the subject property. Said documents still identify JOHN RAY WOELKE (Defendant, therein), and were placed in the mailbox for "Doe 1".

P. The COMPLAINT--Unlawful Detainer is invalid for the following reasons:

1. Plaintiff is NOT the owner.

2. JOHN RAY WOELKE is not the occupant and has nothing to do with Owner JEREMY MYER.

3. JOHN RAY WOELKE was not served "a three (3) day notice to quit the subject premises", which notice is also invalid.

4. JEREMY MYER was the purchaser of the subject property at the foreclosure sale....

5. In compliance with CC § 2924

et. seq., JEREMY MYER purchased the subject property at the foreclosure sale.

6. Plaintiff's 'perfection of title' is a fraud.

7. Items 4 through 8 of the COMPLAINT--Unlawful Detainer are invalid and fraudulent.

8. As per sub-paragraphs III K, L, and M, item 9 of the COMPLAINT--Unlawful Detainer is incorrect. Also, no such notice has been received in the mail, and there has been at all times herein a "person of suitable age or discretion" at the subject premises.

9. Item 12 of the COMPLAINT--Unlawful Detainer is invalid since no landlord/tenant relationship exxists.

10. The VERIFICATION of the COMPLAINT--Unlawful Detainer is signed by Attorney for Plaintiff LINDA S. NUNEZ because "such party is absent from the

county aforesaid...", and is dated December 5, 1983 at Tustin, California. It MUST be noted that the Corporate Offices of the Plaintiff are in Costa Mesa (as previously shown herein), and that Attorney Nunez MUST be aware of the previously documented herein SUPERIOR COURT SUIT AS WELL AS A COMMUNICATION ADDRESS OF THE OWNER JEREMY MYER which was at all times noted on said SUIT and appropriate correspondence. Such awareness and knowledge must exist by virtue of the client/attorney relationship.

IV. JUDICIAL NOTICE is to be taken that, because of the foregoing, Owner JEREMY MYER believes that the PLAINTIFF HEREIN AND PLAINTIFF'S ATTORNEY ARE HARASSING HIM AND PERPETRATING A FRAUD ON BOTH HIM AND THIS COURT BY BRINGING THIS UNLAWFUL DETAINER ACTION.

V. JUDICIAL NOTICE IS TO BE TAKEN THAT:

As part of this harassment and fraud while the VERIFICATION as signed by Attorney Nunez is dated December 5, 1983, the SUMMONS and COMPLAINT--Unlawful Detainer were not filed with the Court until December 19, 1983, and were not received by Owner/Occupant of the subject property JEREMY MYER until December 26, 1983, in the mailbox of said property --- and not by mail.

VI. JUDICIAL NOTICE IS TO BE TAKEN THAT:

1. Attorneys are officers of the court, and must know and obey the LAW: 52 Cal Jur 3d, § 173:

> Duty to obey the LAW:
>
> It is elementary that public officers must obey the LAW. (Wirin v. Parker, 48 Cal.2d 890; 313 P.2d 844)
>
> The United States Supreme Court has repeatedly asserted that ALL OFFICERS of the government from the highest to the lowest ARE CREATURES OF THE LAW AND

BOUND TO OBEY IT. (63 Am Jur 2d, PUBLIC OFFICERS AND EMPLOYEES § 277)

(Emphasis added.)

2. In U. S. v. Nixon, it was stated that: '...for we are not a country of men but we are a COUNTRY OF LAWS AND ALL MUST FOLLOW THEM, including the highest men in office'.

3. Where there is no jurisdiction there is no judge; THE PROCEEDING IS AS NOTHING. Manning v. Ketcham, 58 F.2d 948. (Emphasis added.)

VII. JUDICIAL NOTICE is to be taken that the Plaintiff herein has NO CAUSE OF ACTION to pursue this Unlawful Detainer action.

I, JEREMY MYER, True Owner of the subject property and occupant thereof, do declare and affirm that the foregoing is true and correct to the best of my knowledge and

belief.

Dated: December 29, 1983.

Respectfully submitted,

Jeremy Myer
Owner, In Propria Persona

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	NOTICE OF HEARING
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	)	JUDICIAL NOTICE

NOTICE TO THE COURT OF ERROR;
NOTICE TO PLAINTIFF'S ATTORNEY;
NOTICE OF POSSIBLE FRAUD;
NOTICE OF OBJECTIONS;
DEMAND FOR QUASH OF SERVICE OF
SUMMONS AND COMPLAINT FOR
LACK OF JURISDICTION.

S P E C I A L A P P E A R A N C E

NOTICE IS HEREBY GIVEN that Owner, JEREMY MYER, appears SPECIALLY and not generally to give JUDICIAL NOTICE, NOTICE TO THE COURT OF ERROR, NOTICE TO PLAINTIFF'S ATTORNEY, NOTICE OF POSSIBLE FRAUD, NOTICE OF OBJECTIONS, and DEMAND FOR QUASH OF SUMMONS AND COMPLAINT AND ANY AND ALL FURTHER PROCEEDINGS IN THIS

UNLAWFUL DETAINER ACTION FOR LACK OF JURISDICTION in open court on January 20, 1984,....

dated: January 12, 1984.

Respectfully submitted,

Jeremy Myer
In Propria Persona

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	)	JUDICIAL NOTICE

NOTICE TO THE COURT OF ERROR;
NOTICE TO PLAINTIFF'S ATTORNEY;
NOTICE OF POSSIBLE FRAUD;
NOTICE OF OBJECTIONS;
DEMAND FOR QUASH OF SERVICE OF
SUMMONS AND COMPLAINT FOR
LACK OF JURISDICTION.

S P E C I A L A P P E A R A N C E

NOTICE IS HEREBY GIVEN that Owner, JEREMY MYER, gives JUDICIAL NOTICE, NOTICE TO THE COURT OF ERROR, NOTICE TO PLAINTIFF'S ATTORNEY, NOTICE OF POSSIBLE FRAUD, NOTICE OF OBJECTIONS, and of DEMAND FOR QUASH OF SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION that:

I. The previously filed NOTICE OF SPECIAL CONTINUING APPEARANCE dated December 29, 1983, is included herein by its reference.

II. The previously filed DECLARATION dated December 29, 1983, is included herein by its reference.

III. The previously filed JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY dated December 29, 1983, is included herein by its reference.

IV. On January 6, 1984, at 10:00 A.M. in Division 18 of the above-entitled Court, JEREMY MYER asserted that:

A. He is the owner of the subject property by purchasing it on October 28, 1983, at the Trustee's Sale.

B. He had filed suit in Superior Court regarding the purchase, and that such suit is also a RIGHTs issue.

C. He raised all submitted NOTICEs,

MOTION and DECLARATION.

D. The Unlawful Detainer action was improper and insufficient since the named Defendant JOHN RAY WOELKE had not been served and had no association with JEREMY MYER.

E. He is in possession of the subject property, NOT WOELKE.

F. He was appearing SPECIALLY and not generally, and that he is NOT a defendant in the action due to the foregoing and due to the submitted written documentation/evidence.

V. JUDICIAL NOTICE and other appropriate NOTICE is to be taken of the NOTICE OF PENDING ACTION (CCP § 409) filed with the Orange County Recorder, copy attached as EXHIBIT "A" and included herein by its reference.

A. Said NOTICE was filed in Superior Court on December 9, 1983, as part of

the aforementioned suit in IV B, above.

B. Said NOTICE invalidates this Unlawful Detainer action, and Plaintiff and Plaintiff's attorneys were well aware of same and are misusing the Court in this matter. The Lis Pendens MUST be adjudicated BEFORE Plaintiff can assert any Unlawful Detainer action on the subject property, particularly since said action was brought against WOELKE and NOT MYER, and...

VI. Since JEREMY MYER is NOT WOELKE, and since he is NOT a DOE and/or DOE 1, and could not be under the circumstances, and since Defendants are named as JOHN RAY WOELKE, and DOES 1 through 10, inclusive, but are NOT JEREMY MYER, JEREMY MYER has NOT been served, appears SPECIALLY herein, AND IS NOT A DEFENDANT.

The Unlawful Detainer action is, therefore, a fraud upon the Court and improper

use of the Court, and, coupled with the status of JEREMY MYER as Owner of the subject property, the Lis Pendens action and the Superior Court suit, there is no jurisdiction over the person of JEREMY MYER and/or the subject property for the Unlawful Detainer action to not only continue, but to have been brought in the first place. Therefore, JEREMY MYER respectfully demands that the Court consider that denial of the MOTION (demand) TO QUASH the Unlawful Detainer was in error.

VII. JUDICIAL and other appropriate NOTICE is to be taken that JEREMY MYER received the PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO QUASH SERVICE...filed with the Court on JAN 4 1984 AFTER the proceedings on January 6, 1984. He did not, therefore have any opportunity to address the

issues therein since he had no foreknowledge of them. Neither was he served with it in open Court, or in any other way made properly cognizant of the subject matter therein. However, referencing said MEMORANDUM, appropriate JUDICIAL and other NOTICE is to be taken that:

A. PACIFIC...did not become the owner of the subject property...on October 28, 1983, upon sale at a foreclosure sale, and that any issuance of a trustee's deed in PACIFIC FEDERAL'S favor is fraudulent and the result of collusion, and is part of the suit brought by JEREMY MYER in Superior Court to adjudicate the relevant issues.

B. The 'three-day' notice to quit, its service, its substance, and its Declaration of Service of Notice to Tenant (included in Plaintiff's MEMORANDUM) are conspiratorially fraudulent and

deceitful (PC § 182, among others) as follows:

1. JOHN RAY WOELKE, & DOES 1-5 were, and are not tenants at 4358 Addington Drive, Anaheim CA, according to the EXHIBIT dated "11-23-83", and Plaintiff had been advised of this via correspondence from JEREMY MYER dated October 28 and 31, 1983, which is all part of the aforementioned Superior Court suit. CCP § 1162 has been violated.

2. There was no posting 'a copy for each said tenant on 11-25-83 at 9:48 AM, etc.,' and, as asserted previously, there was someone of suitable age and discretion at the subject address,...but such person was <u>not</u> WOELKE or anyone associated with him....

3. Since WOELKE was and is not residing as a tenant or otherwise at the subject address, no mail delivery could

be affected and, indeed, did not occur.

4. The Process Server signed the DECLARATION OF SERVICE OF NOTICE TO TENANT as "S. Horvath". The individual who was advised on November 25, 1983, at 1:50 P. M. that WOELKE was not there and that he was not a tenant was someone who identified himself as "FRANK TURNER".

5. The signature of "S. HORVATH" under penalty of perjury, etc., is, therefore, a violation of such sworn statement.

6. For all of the assertions included in the foregoing from the beginning of this JUDICIAL NOTICE, including the evidence in the items referenced in I, II, and III above.

7. Plaintiff and Plaintiff's attorney are using this Unlawful Detainer action unlawfully and fraudulently to harass JEREMY MYER after his constructive

notices to them, as well as his purchase of the subject property.

8. There was and is no rental agreement in force between JOHN RAY WOELKE and Plaintiff, and there is no landlord/tenant relationship applicable to either the three-day notice to quit or the Unlawful Detainer.

9. There was and is no rental agreement in force and effect between JEREMY MYER and Plaintiff or anyone else regarding this action, and there is no landlord/tenant relationship applicable to either the three-day notice to quit or the Unlawful Detainer action.

10. Plaintiff's complaint fails to state a cause of action in that it shows on its face that the three-day notice does not demand the precise amount of 'rent' due, and neither can it since there is no landlord/tenant relationship

involved in said notice or in this action. Where an insufficient three-day notice is served, the complaint fails to state a cause of action (Baugh v. Consumers Associates, Ltd. (1966) 241 Cal. App. 2d 6722, 675; 50 Cal.Rptr. 822). Strict compliance with the statutory provisions relating to the three-day notice to quit is a prerequisite to seeking the summary remedy of unlawful detainer (Baugh..., supra). Since the DECLARATION OF SERVICE OF NOTICE TO TENANT is a DECLARATION that a 'TENANT' was served, then that MUST be the intent of the three-day notice, the Process Server, and Plaintiff and Plaintiff's Attorney. Since there was and is no landlord/tenant relationship among any of the parties hereto, and since JEREMY MYER is not a Defendant in this action, said three-day notice to quit must fail,

its service of process was insufficient, and the Unlawful Detainer action has no basis/jurisdiction to proceed. Neither is there any kind of tenant/subtenant relationship for the three-day notice to quit to be effected, including the respective DECLARATION. Hence, this Unlawful Detainer action must fail and is null and void from its inception: IT MUST BE QUASHED.

C. ...lack of jurisdiction extends not only to to the named defendant, but also to the ""owner"" JEREMY MYER, AND to the subject property. Since the named defendant is not a proper defendant as evidenced completely by the foregoing, there is no jurisdiction over him. Since JEREMY MYER is the ""owner"" as evidenced by the foregoing, then it must be invalid to bring an Unlawful Detainer against him and there is no jurisdiction here,

either. And since the subject property is the subject of another suit between JEREMY MYER and the Plaintiff and others in Superior Court, then there is no jurisdiction over the subject matter in this case since such is to be adjudicated elsewhere...there is no jurisdiction for the Court to entertain this Unlawful Detainer action: Where and who is the Defendant? Where and who is the tenant? How can Pacific Federal entertain a three-day notice to quit and Unlawful Detainer action against the ""owner""? (Legally, that is.)

D. PLAINTIFF ERRS IN REFERENCING JEREMY MYER AS "DEFENDANT" throughout PLAINTIFF'S MEMORANDUM. JEREMY MYER IS NOT THE OR A DEFENDANT, AND THE RECORD CLEARLY shows this. JEREMY MYER, attempting to clarify for the Court the entire situation, to document the rela-

tionship(s) of the parties (or, better stated, THE LACK OF THE RELATIONSHIPS), to assist the Court in this matter, appeared SPECIALLY (and NOT generally).

E. ...the term 'lack of jurisdiction'....Black's Law Dictionary, Fifth Edition, defines the term as:

> The phrase may mean lack of power of a court to act in a particular manner or to give certain kinds of relief. In re Rowe's Estate, 66 Cal. App. 2d 594, 152 P. 2d 765, 770. It may consist in court's total want of power to act at all, or lack of power to act in particular case because conditions essential to exercise of jurisdiction have not been complied with, or may consist of lack of jurisdiction over subject matter or over person.

Plaintiff believes that jurisdiction was conferred on the Court because "A COPY OF THE SUMMONS AND COMPLAINT WERE LEFT AT DEFENDANT'S DWELLING HOUSE PURSUANT TO SECTION 415.20 (b) OF THE CODE OF CIVIL PROCEDURE." As all of the evidence and

documentation shows, JEREMY MYER is NOT a defendant herein. The Defendant was not served at his dwelling house, the service was insufficient, etc., etc., etc., as previously stated. OTHERWISE, Plaintiff could serve the paperwork as he did on anyone at any address and claim that a valid Unlawful Detainer action was afforded, with its associative jurisdiction. In the quotation from CCP § 415.20 (b) such person must mean (for this action) WOELKE and some such person associated with him. IT CANNOT MEAN JEREMY MYER SINCE PLAINTIFF HAD AT LEAST CONSTRUCTIVE NOTICE SOME TIME PRIOR OF HIS POSSESSION AND OCCUPANCY OF THE SUBJECT PREMISES and therefore, his exclusion by Plaintiff as a named defendant and the inclusion of WOELKE, et al, MUST be construed to prove that he is not a defendant, and, in conjunction with the facts as stated, there

is no lawful Unlawful Detainer action for the Court to pursue or consider hence, NO JURISDICTION....There is no CC procedure for JEREMY MYER to proceed wit in his status relevant to the situation hence his SPECIAL APPEARANCE....

Leaving of the summons and com plaint in the mailbox is not proper mailing (by first-class mail, postag prepaid), and, in fact, such proper mail ing did not occur. Leaving the summon and complaint in the mailbox is a viola tion of postal regulations since mail boxes are to be used for proper deliver of mail by the postal service. Thus defendant has NOT been served pursuant t CCP § 415.20(b) and, once again, ther is no defendant in this action.

F. ...In an Unlawful Detaine action, the Plaintiff MUST prove that landlord/tenant relationship exis

(Klein v. Loeffler (1929) 96 Cal.App. 383, 385; 274 P. 373)....there is no such relationship, and Plaintiff has failed to prove same....

....

X. Generally, Plaintiff's complaint fails to state a cause of action in that it fails to prove that a landlord-tenant relationship exists between the parties:

> A complaint in an unlawful detainer proceeding must plead the fact that a landlord-tenant relationship exists between the parties. (Fredericksen v. McCosker (1956) 143 Cal.App.2d 114, 117-118; 299 P.2d 908)

XI. Owner JEREMY MYER OBJECTS AND TAKES EXCEPTION TO THE DENIAL OF THE PREVIOUSLY SUBMITTED MOTION (demand) TO QUASH SUMMONS AND COMPLAINT.

XII. Owner JEREMY MYER OBJECTS AND TAKES EXCEPTION TO PLAINTIFF AND PLAINTIFF'S ATTORNEYS PROCEEDING AS THEY HAVE WITH THIS ACTION WHEN THE RECORD AND THEIR

RECORDS SPEAK TO THE FACTS WHICH AR
CONTRARY TO THEIR ACTIONS.

FOR GOOD CAUSE SHOWN, JEREMY MYE
RESPECTFULLY DEMANDS THE COURT TO QUAS
THE UNLAWFUL DETAINER SERVICE OF SUMMON
AND COMPLAINT AND ANY AND ALL FURTHE
PROCEEDINGS FOR LACK OF JURISDICTION.

I, JEREMY MYER, True Owner of the subjec
property and occupant thereof, do declar
and affirm that the foregoing is true an
correct to the best of my knowledge an
belief.

Dated: January 12, 1984.

Respectfully submitted,

Jeremy Myer
Owner, In Propria Persona

83-561198

Recorded at request of, and to be returned when recorded to:

RECORDED IN OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA
-1010AM DEC 9 '83
Lee A Branch COUNTY RECORDER

JEREMY MYER
16783 Beach Boulevard
Huntington Beach, CA 92647

Plaintiff
In Propria Persona

IN THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

JEREMY MYER, Plaintiff,	)	Civil Action No. 41-72-38
v.	)	
GLENN L. RAGLAND, et al., Defendants.	)	NOTICE OF PENDING ACTION [CCP § 409]

NOTICE IS HEREBY GIVEN that the above-entitled action concerning and affecting real property as described herein was commenced on November 30, 1983, in the above-named court by JEREMY

EXHIBIT "A"

MYER, Plaintiff, against Glenn L
Ragland, Sandie Armenta, Steven R
Cameron, T.D. Service Company, Mar Vist
Financial Inc., Kenneth C. Bovard
Pacific Federal Savings and Loa
Association, and Does 1-100, Defendants
the action is now pending in the above
named court.

The action concerns real propert
situated in Orange County, California.

The street address of the subjec
property is:

4358 Addington Drive, Anaheim, CA 92807

The legal description of the subjec
property is:

> Lot 5 of Tract 6375, in the City
> of Anaheim, County of Orange,
> State of California, as per map
> recorded in book 233, pages 31 ar
> 32, Miscellaneous Maps, in the
> office of the county recorder of
> said county.

EXHIBIT "A"

....

(Note: The above legal description is as per the NOTICE OF TRUSTEE'S SALE, EXHIBIT "A", page 2, attached to the COMPLAINT.)

The object of plaintiff's action in this matter is to protect the right, title, and interest in the subject property in good faith and with proper purpose, in accordance with his bidding and purchase at the Trustee's Sale on October 28, 1983, as detailed and specified in the COMPLAINT in the action commenced on November 30, 1983, as noted in the first paragraph hereof above.

Dated: December 7, 1983.

Jeremy Myer

ACKNOWLEDGEMENT

State of California)
ss.
County of Orange)

EXHIBIT "A"

83-561198

On this 7th day of Dec., in the year 1983, before me Daniel P. Mitcham, personally appeared JEREMY MYER, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

Dated: Dec. 7th, 1983.

Daniel P. Mitcham

OFFICIAL SEAL
DANIEL P. MITCHAM
Notary Public-California
Principal Office in
Orange County
My Commission Expires
Dec. 14, 1984

EXHIBIT "A"

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	
v.	Civil Action No. A 73032
JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	

MOTION TO QUASH SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION (CCP Sec. 1167.4 (a), 418.10(a))

COMES NOW THE OWNER OF THE SUBJECT PROPERTY, JEREMY MYER, a Defendant herein by virtue of service of Summons and Complaint received by said Defendant and other Defendants on the evening of January 19, 1984, and whose sole purpose is to challenge the JURISDICTION of this Court over the Owner/Defendant IN PERSONAM and IN REM, and to DEMAND respectfully that the Complaint brought by the Plaintiff be quashed, dismissed,

abated, overthrown, vacated, annulled, and in all other ways made void for LACK OF JURISDICTION.

JEREMY MYER also appears for those identified in open court on January 20, 1984, as DOES 1 and 3, since they are members of his household/family.

POINTS AND AUTHORITIES

I.

INTRODUCTION

On October 28, 1983, Owner/Defendant JEREMY MYER successfully bid for in accordance with all of the terms and conditons of the NOTICE OF TRUSTEE'S SALE and in accordance with LAW and became the true Owner of certain real property located at 4358 Addington Drive, Anaheim, California, hereinafter referred to as the "subject property".

With correspondence dated October 28, 1983, and October 31, 1983, Owner/

Defendant JEREMY MYER properly noticed Plaintiff herein (and others) of his claim, including the statement: I also notify you that I am in possession of said property,....

JEREMY MYER received replies to his correspondence, which effectively ackmowledged their receipt. One of the replies was from Plaintiff's herein Senior Vice President and General Counsel.

On November 30, 1983, JEREMY MYER filed a seven causes of action COMPLAINT as Plaintiff therein against Plaintiff herein (and others) IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF ORANGE, pertinent to his purchase of the subject property. Said COMPLAINT is CASE NO. 41-72-38, and also advised of his resident/occupancy of the premises.

Said COMPLAINT includes as EXHIBITS

the NOTICE OF TRUSTEE'S SALE aforementioned herein, as well as the abovementioned correspondence of October 28th and 31st, 1983, as copies of same.

Said COMPLAINT is comprised of some 43 pages, of which Plaintiff and Plaintiff's Attorney each have received a set. It is not included herein only due to its bulk, but JEREMY MYER will provide a copy to the Court on January 27, 1984, or as soon thereafter as this matter may be heard.

On December 9, 1983, JEREMY MYER had recorded in the Orange County Recorder's Office, and then filed as part of the aforementioned suit in SUPERIOR COURT, a NOTICE OF PENDING ACTION (CCP Sec. 409), a copy of which is attached hereto as EXHIBIT "A" and is included herein by its reference.

JUDICIAL NOTICE is to be taken of

the JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY filed with this Court on December 29, 1983.

JUDICIAL NOTICE is to be taken of the JUDICIAL NOTICE, etc., filed with this Court on January 13, 1984.

II.

IF TITLE IS INEVITABLY IN ISSUE IN AN UNLAWFUL DETAINER ACTION, THE ACTION IS NOT WITHIN THE JURISDICTION OF THE MUNICIPAL COURT

Asuncion v. Superior Court
(1980) 108 Cal. App.3d 141, 146;
166 Cal. Rptr. 306.

Title is clearly in issue in this case and, therefore, this Court has no jurisdiction to allow this Unlawful Detainer action to proceed or to lie.

Furthermore, the above-cited Asuncion case includes the issue of due process guarantees relative to affirmative defenses "which if proved would maintain...possession and ownership."

Such is the issue in the SUPERIOR COURT suit aforementioned.

III.

A MOTION TO QUASH SERVICE OF SUMMONS IS PROPER IN AN UNLAWFUL DETAINER PROCEEDING (CCP Sec. 1177).

IV.

ON OR BEFORE THE LAST DAY OF HIS/HER TIME TO PLEAD, OR WITHIN SUCH FURTHER TIME AS THE COURT MAY FOR GOOD CAUSE ALLOW, A DEFENDANT MAY SERVE AND FILE A NOTICE OF MOTION TO QUASH SERVICE OF SUMMONS ON THE GROUND OF LACK OF JURISDICTION OF THE COURT OVER HIM/HER (CCP Sec. 418.10(a)(1)).

V.

A "LIS PENDENS" IS FOR THE PURPOSE OF GIVING NOTICE OF THE JURISDICTION OR CONTROL WHICH THE COURT ACQUIRED OVER PROPERTY INVOLVED IN A SUIT PENDING THE CONTINUANCE OF THE ACTION

State v. Washington Dredging & Improvement Co., 86 P. 936, 938; 43 Wash. 508, adopting definition in Washington Dredging & Improvement Co. v. Kinnear, 64 P. 522; 24 Wash. 405.

As noted in the INTRODUCTION... JEREMY MYER has filed a NOTICE OF PENDING

ACTION in the SUPERIOR COURT which has effectively conveyed jurisdiction to said court until the matter is adjudicated.

VI.

> THE DOCTRINE OF LIS PENDENS HAS LONG BEEN ESTABLISHED AND RECOGNIZED AS THE GENERAL LAW OF THE LAND UPON THE BROAD PUBLIC POLICY OF MAINTAINING THE STATUS QUO OF RIGHTS AND INTERESTS IN PROPERTY INVOLVED IN LITIGATION, NOT ONLY AS BETWEEN THE PARTIES THERETO BUT AS TO THIRD PARTIES HAVING CONFLICTING INTERESTS, UNTIL THE ACTION PENDING HAS BEEN FINALLY ADJUDICATED.
>
> Cook v. Mozer, 140 N. E. 590, 592; 108 Ohio St. 30.

This Unlawful Detainer action is contrary to the long established LIS PENDENS DOCTRINE of "maintaining the status quo of rights and interest...until the action pending has been finally adjudicated".

FOR GOOD CAUSE SHOWN, JEREMY MYER respectfully requests the Court to quash

the Unlawful Detainer Service of Summon
and Complaint and any and all furthe
proceedings for lack of jurisdiction.

I, JEREMY MYER, True Owner of the subjec
property and occupant and possesso
thereof, do declare and affirm that th
foregoing is true and correct to the bes
of my knowledge and belief.

Dated: January 24, 1984.

Respectfully submitted,
Jeremy Myer
Owner/Defendant, In Pro Pe

[Attached to the above motion was MYER'
DECLARATION stating: his ownership, pur
chase, and possession of the subjec
property; the inapplicability of th
Unlawful Detainer action; his Superio
Court case 41-72-38 for title and th
related NOTICE OF PENDING ACTION re
included as EXHIBIT "A" (see previously
and his re-challenge to the Court
jurisdiction.]

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff,	)	Civil Action No. A 73032
v.	)	JUDICIAL NOTICE
JOHN RAY WOELKE, et al Defendants.	)	

NOTICE OF OBJECTIONS
VIOLATIONS OF DUE PROCESS AND RIGHTS

TO: CLERK OF THE COURT

Defendant/Owner Jeremy Myer was not heard on his Motion to Quash filed with Court on January 24, 1984, to be heard on January 27, 1984, in accordance with CCP after being re-served with Summons and Complaint on evening of January 19, 1984, as specified in Notice of Motion. I claim, hereby, violations of due process, violations of rights, abuse of process, and I waive none of my rights, and claim all of them.

JEREMY MYER objects hereby to these proceedings and that he has not been sufficiently heard in this matter wherein, among other issues, where title is the ultimate issue, the Municipal Court has no jurisdiction; also, there is no landlord/tenant relationship.

Dated: January 27, 1984
10:55 a.m.

Respectfully submitted,

Jeremy Myer

IN THE MUNICIPAL COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH ORANGE COUNTY JUDICIAL DISTRICT

PACIFIC FEDERAL SAVINGS & LOAN ASSOCIATION, Plaintiff, v. JOHN RAY WOELKE, and DOES 1-10, inclusive, Defendants.	Civil Action No. A 73032 MOTION TO VACATE JUDGEMENT (CCP Sec. 663, 663a)

DEMAND FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW.

COMES NOW THE OWNER/DEFENDANT OF THE SUBJECT PROPERTY, JEREMY MYER, appearing also for DOES 1 and 3 (since they are members of his household/family), to move the Court to set aside and vacate its NOTICE OF ORDER dated "1-25-84" to wit: "MOTION TO QUASH FILED 1-24-84 IS DISMISSED ON COURT'S OWN MOTION. DEFAULT MAY BE ENTERED AT PLAINTIFF'S DISCRETION."

JEREMY MYER, in said appearance and

also hereby, does respectfully demand FINDINGS OF FACT AND CONCLUSIONS OF LAW for all steps in the proceedings of this Court and Plaintiff and Plaintiff's Attorney as relevant to this Unlawful Detainer action from its inception, such to be in writing to establish the record.

JEREMY MYER does hereby assert and maintain, as he has in his previous NOTICES, DEMANDS, MOTIONS, AND DECLARATIONS, which are part of the record and of which JUDICIAL NOTICE is to be taken, that an incorrect and erroneous legal basis for the decision, not consistent with and not supported by the facts, has been rendered.

JEREMY MYER will also move the Court to enter another and different judgment consistent with BOTH the facts and THE LAW, to wit: that the Unlawful Detainer proceedings resulting from the services

of the SUMMONSES AND COMPLAINTS by Plaintiff be totally quashed, dismissed, abated, overthrown, vacated, annulled, and in all other ways made void for LACK OF JURISDICTION, such LACK OF JURISDICTION being based on the FACTS and THE LAW (including the RIGHT OF POSSESSION based on purchase and ownership IN ACCORDANCE WITH THE SUPREME LAW OF THE LAND, improper services of paperwork by Plaintiff, other improper proceedings and violations of DUE PROCESS and RIGHTS).

POINTS AND AUTHORITIES

I.

INTRODUCTION

JUDICIAL NOTICE is to be taken of the following items, which are included herein by their reference:

JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY dated and filed with the Court on December 29, 1983;

MOTION TO QUASH SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION and POINTS AND AUTHORITIES dated and filed with the Court on December 29, 1983;

NOTICE OF MOTION dated and filed with the Court on December 29, 1983;

NOTICE OF SPECIAL CONTINUING APPEARANCE dated and filed with the Court on December 29, 1983;

NOTICE OF HEARING and JUDICIAL NOTICE; NOTICE TO THE COURT OF ERROR; NOTICE TO PLAINTIFF'S ATTORNEY; NOTICE OF POSSIBLE FRAUD; NOTICE OF OBJECTIONS; DEMAND FOR QUASH OF SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION dated January 12, 1984, and filed with the Court on January 13, 1984;

NOTICE OF MOTION AND MOTION TO QUASH SERVICE OF SUMMONS FOR LACK OF JURISDICTION dated and filed with the Court on January 24, 1984.

II.

A MOTION TO QUASH SERVICE OF SUMMONS IS PROPER IN AN UNLAWFUL DETAINER PROCEEDING (CCP Sec. 1177).

Owner/Defendant was correct to file motions and demands to QUASH FOR LACK OF JURISDICTION, even at the stage after the

service of the SUMMONSES and COMPLAINTS served on the evening of January 19, 1984, (around 7:00 P.M.) since "DOE 1" was re-served thereby (re-starting the 'clock' of the COMPLAINT), and "DOE 2" and "DOE 3" were 'served' for the first time. Even this 'service' was not in accordance with CCP Sec. 415.20 since mail service was not <u>also</u> performed for the 'DOES' not served personally. CCP 1167

This service/re-service was acknowledged in open court on January 20, 1984, by Plaintiff's Attorney, along with an AMENDMENT TO COMPLAINT which was served upon JEREMY MYER in open court that day..., and which, to the best of MYER'S knowledge and belief was not part of the official Court Record by January 31, 1984, and stil may not be.

Owner/Defendant (and his family/

household, for whom he also acted --- see CCP Sec. 371, and CCP Sec. 369 to be applied as appropriate: CCP Sec. 371 - spouse may defend for other spouse's RIGHT; CCP Sec. 369 - acting in benefi-cial interest of daughther "DOE 3") had until January 24, 1984, to answer (CCP Sec. 1167.3) or to MOTION TO QUASH SERVICE (CCP Sec. 1167.4):

> On or before the last day of his/her time to plead....a defendant may serve and file a notice of motion to quash service of summons on the ground of lack of jurisdiction of the court over him/her (CCP Sec. 418.10 (a) (1)).

The Court improperly denied the MOTION(S) and DEMANDS to QUASH, as well as granting 'default' to Plaintiff.

JUDICIAL REVIEW of the items in the INTRODUCTION above, as well as this item II, with all of the attendant blatant errors, are tantamount to harassment of the Owner/Defendant (and his family), a

well as violations of RIGHTS and DUE PROCESS. JUDICIAL NOTICE is to be taken of the JUDICIAL NOTICE, NOTICE OF OBJECTIONS, VIOLATIONS OF DUE PROCESS & RIGHTS dated and filed with the Court on January 27, 1984, and included herein by its reference.

III.

A FACT WHICH HAS EXISTED CANNOT BE MADE NEVER TO HAVE EXISTED

WHERE A SPECIFIC DUTY IS ASSIGNED BY LAW, AND INDIVIDUAL RIGHTS DEPEND UPON THE PERFORMANCE OF THAT DUTY,...THE INDIVIDUAL WHO CONSIDERS HIMSELF INJURED, HAS A RIGHT TO RESORT TO THE LAWS OF HIS COUNTRY FOR A REMEDY

THE VERY ESSENCE OF CIVIL LIBERTY CERTAINLY CONSISTS IN THE RIGHT OF EVERY INDIVIDUAL TO CLAIM THE PROTECTION OF THE LAWS WHENEVER HE RECEIVES AN INJURY

(The above from:
Marbury v. Madison, 5 US 137.)

WHERE RIGHTS ARE INVOLVED, THERE CAN BE NO RULE-MAKING OR LEGISLATION WHICH ABROGATES THEM.
(Miranda v. Arizona
384 US 436.)

Thus, even the summary proceedings of an Unlawful Detainer action cannot violate RIGHTS. Neither can the Real Estate Code, the Business and Professions Code, the Rules of Court, nor any other rules, regulations, and statutes. JUDICIAL NOTICE is to be taken of THE CONSTITUTION OF THE UNITED STATES, and particularly the Supremacy Clause of Article VI, Clause 2, and the Constitution of the State of California, particularly Article I, Section 1, 7 (a) and (b), 24, and Article III, Section 1.

> THE GOVERNMENT OF THE UNITED STATES HAS BEEN EMPHATICALLY TERMED A GOVERNMENT OF LAWS AND NOT OF MEN. (Marbury v. Madison, supra.)

And all LAWS and their application must conform to the SUPREME LAW first and foremost, otherwise their application may subvert and otherwise overthrow such SUPREME LAW (of which ALL JUDGES are

bound thereby).

> MOREOVER, THE CONSTITUTION IS AN AGREEMENT OR COMPACT BETWEEN EACH INDIVIDUAL OF THE PEOPLE AND ALL THE REST, AS WELL AS BETWEEN EACH ONE OF THE STATES AND ALL THE OTHERS.
> (Cook v. Moffat
> 12 L. Ed. 159, 161.)

> WE THE PEOPLE OF THE UNITED STATES ...DO ORDAIN AND ESTABLISH THIS CONSTITUTION FOR THE UNITED STATES OF AMERICA. (Preamble)

IV.

> (0)NE WHO SEEKS THE SUMMARY REMEDY OF UNLAWFUL DETAINER ALLOWED BY THE STATUTE MUST BRING HIMSELF CLEARLY WITHIN ITS TERMS (Horton-Howard v. Payton, (1919) 44 Cal. App. 108, 112; 186 P. 167.)

Continual violations of service, insufficiency of service, and related matters cannot bring one --- the Plaintiff, in this case --- "clearly within its terms".

> The failure to properly serve (three-day quit) notice on persons recognized as tenants in possession of the premises requires a judgment in their favor in the unlawful

detainer action.
(Kwok v. Bergren, (1982)
130 Cal. App. 3d 596, 600;
181 Cal. Rptr. 795).

Owner/Defendant has previously brought to the Court's attention the insufficiency of service of the three-day quit notice and related improprieties.

> Where an insufficient three-day notice is served, the complaint fails to state a cause of action.
> (Baugh v. Consumers Associates, Ltd. (1966)
> 241 Cal. App. 2d 672, 675;
> 50 Cal. Rptr. 822).

> Strict compliance with the statutory provisions relating to the three-day notice to quit is a prerequisite to seeking the summary remedy of unlawful detainer. (Baugh, supra).

Plaintiff failed to assert and prove that the relationship of landlord/tenant exists, because it doesn't:

> In an unlawful detainer action, the Plaintiff must prove that a landlord/tenant relationship exists.
> (Klein v. Loeffler (1929)
> 96 Cal. App. 383, 385; 274 P. 373).

A complaint in an unlawful detainer

proceeding must plead the fact that a landlord-tenant relationship exists between the parties. (Fredericksen v. McCosker (1956) 143 Cal. App. 2d 114, 117-118; 299 P. 2d 908).

V.

If title is inevitably an issue in an unlawful detainer action, the action is not within the jurisdiction of the municipal court. (Asuncion v. Superior Court (1980) 108 Cal. App. 3d 141, 146; 166 Cal. Rptr. 306).

And where there is no jurisdiction, there is no proper, valid, lawful or legal authority to proceed:

....mere good faith assertions of jurisdiction have been abolished. (Owens v. City of Independence 100 S. Ct. 1398).

No officer can acquire jurisdiction by deciding that he has it. The officer, whether judicial or ministerial, decides at his peril. (Middleton v. Low, 30 Cal. 596).

JUDICIAL NOTICE is to be taken of Title 42 of the UNITED STATES CODE, Sections 1981 through 1986,....

VI.

JUDICIAL NOTICE is to be taken
the LIS PENDENS doctrine as previous
documented by Owner/Defendant, as well
his claim to title and that Plaintiff
perfection of title is a fraud (to
adjudicated in other proceedings).

I, JEREMY MYER, True Owner of the subje
property and occupant and possess
thereof, do declare and affirm that t
foregoing is true and correct to the be
of my knowledge and belief.

Dated: February 10, 1984.

Respectfully submitte

Jeremy Myer
Owner/Defendant
In Propria Persona

DELARATION

I, JEREMY MYER, Owner of the subje
property in this case, Declare that:

1. JUDICIAL NOTICE IS TO BE TAKEN OF THE DECLARATIONS dated and filed with the Court on December 29, 1983, and January 24, 1984, and that they are included herein by their reference.

2. I affirm that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 10, 1984.

Jeremy Myer
Declarant

IN THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

JEREMY MYER, Petitioner, v. THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, Respondent, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	Civil Actio No. 42-14-4

EMERGENCY PETITION

FOR WRIT OF MANDATE/PROHIBITION/
JUDICIAL REVIEW/JUSTICE

EX PARTE
(CCP Sec. 1085, 1086, 1102, 1103, 1107)

[NOTE: The EMERGENCY PETITION had an EXHIBITS package attached with copies o all appropriate EXHIBITS following (no reproduced here). Some appear previously in this Petition for Writ of Certiorar as appropriate pleadings. The EXHIBI id's have been retained for reference t the original package, where appropriate.

....

4. A SUMMONS and COMPLAINT for Un lawful Detainer was issued by [Pacific

against JOHN RAY WOELKE, and DOES 1 - 10, inclusive. That COMPLAINT...(...placed in [Myer's] mailbox (not mailed) on December 26, 1983). (EXHIBIT "A" in EXHIBITS package herewith).

5. On December 29, 1983, [Myer] filed with the Respondent's Court a NOTICE OF SPECIAL CONTINUING APPEARANCE, NOTICE OF MOTION AND MOTION TO QUASH SERVICE OF SUMMONS FOR LACK OF JURISDICTION, POINTS AND AUTHORITIES, DECLARATION, JUDICIAL NOTICE AND NOTICE TO THE COURT AND TO PLAINTIFF'S ATTORNEY, VERIFICATION and PROOF OF SERVICE BY MAIL, essentially challenging the proceedings of the Unlawful Detainer action and the jurisdiction of the Respondent's Court due to [Myer's] claim of ownership/purchase of the subject property, [Myer's] occupancy/possession of the subject property, and other relevant items. The

December 29, 1983, filings of t
NOTICES, MOTION, etc., are part of t
EXHIBITS package submitted...as EXHIB
"B",....

6. On January 4, 1983, [Pacifi
filed with the Respondent's Court
PLAINTIFF'S MEMORANDUM OF POINTS A
AUTHORITIES IN OPPOSITION TO MOTION
QUASH SERVICE OF SUMMONS AND COMPLAI
FOR LACK OF JURISDICTION (which was r
ceived by [Myer] on January 8, 1984, t
(2) days after the hearing). (EXHIBIT "
in the EXHIBITS package...).

7. The MOTION TO QUASH was deni
by the Respondent's Court on January
1984, as supported by the CIVIL MINU
SHEET and the NOTICE OF ORDER (EXHIB
"D" in the EXHIBITS package...).

8. ....

9. On January 13, 1984, [Myer] fil
with the Respondent's Court a NOTICE

HEARING JUDICIAL NOTICE, NOTICE TO THE COURT OF ERROR, NOTICE TO PLAINTIFF'S ATTORNEY, NOTICE OF POSSIBLE FRAUD, NOTICE OF OBJECTIONS, DEMAND FOR QUASH OF SERVICE OF SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION, all as SPECIAL APPEARANCE (again), re-raising the issues in the herein item 5, above, (EXHIBIT "B"), and including the insufficiency of the Unlawful Detainer action, the jurisdiction of the subject property having been placed in the Superior Court of Orange County, California, due to an appropriate pending action, the lack of any Landlord/Tenant relationship pertinent to the action and the lack of... [Pacific's] having a valid cause of action in the Unlawful Detainer since such Landlord/Tenant relationship was not proven and [Myer's] claim to ownership/occupancy/possession of the subject property, and

related items. ([Myer's] filings i
Respondent's Court related to this item
are EXHIBIT "F" in the EXHIBITS packag
...)....

10. On the evening of January 19
1984, three (3) SUMMONSES and COMPLAINT
were given to [Myer's] spouse (by tw
Process Servers, who at first represente
that they were from The Register). Thes
are EXHIBIT "G" in the EXHIBITS packag
.... Judicial Notice is to be taken o
the respective "DOE 1", "DOE 2", an
"DOE 3" fictitious name identifiers, a
well as the changes of them which ar
as they were received. Judicial Notice i
also to be taken of the fact that th
first SUMMONS and COMPLAINT (EXHIBIT "A"
shows "DOE 1"; thus "DOE 1" wa
essentially being served again. It is a
this point, assuming valid service whic
is not presumed due to the misrepresenta

tion of Process Servers, that "DOE 1" could respond anew in accordance with CCP Sec. 1167.3 (Time to Answer) or CCP Sec. 1167.4 Motion to Quash Service. Also, "DOE 2" and "DOE 3", not having been served previously, could now respond for the first time which they did in [Myer's] filings as the head of the household.

11. Judicial Notice is to be taken that [Myer] challenged the sufficiency of service at the hearing on January 20, 1984, in Respondent's Court due to the misrepresentation of the Process Servers. Also, [Myer] challenges the sufficiency of service of the item 10 SUMMONSES and COMPLAINTS, as well as that of item 4, above, since no mailings were ever received in accordance with CCP Sec. 1162 for the Three-Day Notice to Quit (PRIOR to receiving any SUMMONSES and COMPLAINTS), CCP Sec. 415.10 or 415.20,

or any other CCP Section which may
appropriate. Also, to the best
[Myer's] knowledge and belief, the fil
record in the Court of the Responde
fails to show any Proof of Service f
the item 10 SUMMONSES and COMPLAINTS, a
it also fails to show any sufficie
Proof of Service for that of item
above.

12. At the hearing on January 2
1984, [Pacific's] Attorney verbally not
in OPEN COURT during the proceedings th
[Myer] had been 're-served' the previo
evening in order to 'forget' the pri
service(s) which had been document
(with their respective insufficiencie
by [Myer] in his filings (EXHIBITS "
and "F"). Also, said Attorney serv
[Myer] in OPEN COURT during the procee
ings with the AMENDMENT TO COMPLAI
which is EXHIBIT "H" in the EXHIBI

package....Said AMENDMENT specifically identifies [Myer] as "DOE 2", who was not previously served even though [Myer] was previously known as the record shows. [Myer's] spouse is identified as "DOE 1", while [Myer's] daughter (name mis-spelled) is identified as "DOE 3" FOR THE FIRST TIME. Judicial Notice is to be taken of these facts, as well as that said AMENDMENT TO COMPLAINT is not part of the Court Record of Respondent (to the best of Petitioner's knowledge and belief as of January 27, 1984).

13. At the hearing on January 20, 1984, the JUDICIAL NOTICE and DEMAND FOR QUASH was not ruled on. The "Motion to quash denied" is as per the CIVIL MINUTE SHEET (EXHIBIT "I" in the EXHIBIT package ...).

14. ....

15. On January 24, 1984, [Myer]

filed with Respondent's Court a NOTICE O
MOTION AND MOTION TO QUASH SERVICE O
SUMMONS FOR LACK OF JURISDICTION (CC
Sec. 1167.4(a), 418.10(a)); POINTS AN
AUTHORITIES; DECLARATION;...in prope
procedural response to the item 10
above, SUMMONSES and COMPLAINTS (EXHIBI
"G"). [Myer's] filings in this item 1
are EXHIBIT "K" in the EXHIBITS packag
....[Myer] re-raised the issues raised b
him previously via appropriate JUDICIA
NOTICE, and stressed the LACK OF JURIS
DICTION of the Respondent's Court due t
the TITLE ISSUE with its appropriat
Pending Action in the Orange Count
Superior Court.

16. On January 27, 1984, [Myer] wa
not heard in open Court and subsequentl
found out that the "MOTION TO QUASH FILE
1-24-84 IS DISMISSED ON COURT'S OW
MOTION" and that "DEFAULT MAY BE ENTER

AT PLAINTIFF'S DISCRETION" as per the CIVIL MINUTE SHEET and the NOTICE OF ORDER both dated January 25, 1984, two (2) days before the scheduled hearing. Judicial Notice is to be taken of these proceedings, as well as the violations of Due Process, [Myer's] RIGHT to have been heard in accordance with the action and MOTION and the aforementioned CCP Sections, and all appropriate Rules of Court and ALL RIGHTS AS SPECIFIED AND GUARANTEED BY BOTH THE UNITED STATES CONSTITUTION AND THE CALIFORNIA CONSTITUTION. Also, Judicial Notice is to be taken of the fact that Jurisdiction can never accrue when invalid, incorrect, abusive, unlawful, and otherwise insufficient proceedings are utilized, notwithstanding any other reasons for THE LACK OF JURISDICTION for the Unlawful Detainer action to have been brought in the first place,

let alone proceed to a 'default' judge
ment. (The CIVIL MINUTE SHEET and th
NOTICE OF ORDER are EXHIBIT "L" in th
EXHIBITS package....)

17. On January 27, 1984, [Myer] file
with the Court of the Respondent
JUDICIAL NOTICE, NOTICE OF OBJECTIONS
VIOLATIONS OF DUE PROCESS & RIGHTS
identified as EXHIBIT "M" in the EXHIBIT
package....[Myer] is not aware of any e
parte hearings or proceedings, or an
other information, except what is in th
record as detailed in this EMERGENC
PETITION, upon which the Respondent'
Court decided the issue on its own motio
without a hearing.

18. Thus, as shown above, Responder
has abused its discretion, and failed ar
refused to exercise its discretion.

19. [Myer] has a clear, present, ar
substantial right to the performance o

Respondent's duty in that [Myer] clearly documented the LACK OF JURISDICTION for the Court of Respondent in the Unlawful Detainer action due to the issue of Title, coupled with [Myer's] Superior Court suit wherein he is the Plaintiff, [MYER'S] possession/occupancy of the subject premises, the lack of any Landlord/Tenant relationship in this matter, and all other issues, including those of LAW and RIGHTS.

20. [Myer] (and his household) is a person (are persons) beneficially interested in the issuance of a writ by virtue of the fact that as owner/purchaser of the subject property, he (they) has (have) every RIGHT to its use, possession occupancy, enjoyment, etc., WITHOUT HARASSMENT, RIGHTS VIOLATIONS, DUE PROCESS VIOLATIONS, etc.

21. [Myer] has performed all condi-

tions precedent to the filing of this EMERGENCY PETITION by raising objections underlying Petition in the inferior court, as the record herein shows.

22. At all times herein mentioned, Respondent has been able to QUASH the Unlawful Detainer Action FOR LACK OF JURISDICTION. Notwithstanding such ability, and despite [Myer's] DEMANDS for the performance of the duty to QUASH THE SUMMONS AND COMPLAINT FOR LACK OF JURISDICTION, Respondent failed and refused to perform such duty.

23. [Myer] has no plain, speedy, and adequate remedy in the ordinary course of law, other than the relief sought in this EMERGENCY PETITION, in that the Unlawful Detainer action is a Summary Proceeding the appeal of which will not automatically stay the proceedings from the 'default judgment on the court's OWN

MOTION', and especially when Respondent has refused to exercise its proper discretionary function in this matter. THEREFORE, THIS EMERGENCY PETITION IS ALSO A PETITION FOR REDRESS OF GRIEVANCES in accordance with the Constitution of the United States and the Constitution of the State of California:

> Whether Civil or Criminal, we are ALL bound to obey THE LAW.

WHEREFORE, [Myer] prays:

1. That the court issue a Writ of Mandate/Prohibition commanding Respondent to QUASH ANY AND ALL FURTHER PROCEEDINGS AND TO REVERSE ITS DEFAULT JUDGEMENT. Due to the summary nature of the action herein described, [Myer] respectfully prays the Court to determine the appropriateness of the issuance of the writ in the alternative and/or as peremptory, subsequently;

Detainer action and the Default Judg
ment, but that a Peremptory Writ of Ma
date/Prohibition should issue, then th
Court issue said Writ commanding Respon
ent to QUASH ANY AND ALL FURTHER PROCEE
INGS AND TO REVERSE ITS DEFAULT JUDG
MENT; and

5. For costs of this proceeding a
for such other and further relief as t
court deems just and proper.

Dated: January 30, 1984.

Respectfully submitte

Jeremy Myer,
Petitioner

2. Should the Court determine that an Alternative Writ of Mandate/Prohibition should issue commanding Respondent to QUASH ANY AND ALL FURTHER PROCEEDINGS AND TO REVERSE ITS DEFAULT JUDGEMENT, then Respondent should act accordingly or show cause before this Court at a time specified by Court Order why it has not done so and why a Peremptory Writ should not issue;

3. Should the Court have determined that an Alternative Writ should issue, then on the return of said Writ and the hearing of this Petition, this Court issue its Peremptory Writ of Mandate/ Prohibition commanding Respondent to QUASH ANY AND ALL FURTHER PROCEEDINGS AND TO REVERSE ITS DEFAULT JUDGEMENT;

4. Should the Court have determined that an Alternative Writ should not issue due to the summary nature of the Unlawful

IN THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

JEREMY MYER, Petitioner, v. THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, Respondent, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest	Civil Acti No. 42-14-

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF MANDATE/PROHIBITION/JUDICIAL REVIEW/JUSTICE

EX PARTE

(CCP Sec. 1085, 1086, 1102, 1103, 1107

I.

A WRIT OF MANDATE SHOULD ISSUE....

Writ of Mandate.

A Writ of Mandate may issue from a court, except a municipal or justi court, to any inferior tribunal,... person to compel the performance of

act which the law specifically enjoins as a duty from an office, trust, or station or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled and from which the party is unlawfully precluded. The Writ must be issued in all cases where there is no plain, speedy, and adequate remedy in the ordinary course of the law on the Verified Petition of the party beneficially interested (CCP Sec. 1085, 1086).

II.

A WRIT OF PROHIBITION SHOULD ISSUE....

Writ of Prohibition.

A Writ of Prohibition may issue from any court, except a municipal or justice court, to an inferior tribunal... in all cases where there is not a plain, speedy, and adequate remedy in the ordinary course of law. It must be issued upon the

Verified Petition of the person benefi cially interested. The Writ of Prohibi tion arrests the proceedings of an tribunal,...or person exercising judicia functions, when such proceedings ar without or in excess of the jurisdictio of such tribunal,...or person (CCP Sec 1102, 1103).

III.

FOR GOOD CAUSE, THE COURT MAY GRANT THE APPLICATION EX PARTE.

Ex Parte Writs.

The court in which the application i filed, in its discretion and for goo cause, may grant the application e parte, without notice or service of th application (CCP Sec. 1107).

IV.

A PETITION FOR WRIT OF MANDATE OR PROHIBITION MAY PROPERLY BE ISSUED...

Petitioner as Beneficially Interested

One requirement for the issuance of a Writ of Mandate or Prohibition is that it be issued on the Verified Petition of the party beneficially interested (CCP Sec. 1086, 1103).

V.

A WRIT OF MANDATE OR PROHIBITION SHOULD BE ISSUED IN THE SUBJECT CASE DUE TO THE SUMMARY PROCEEDINGS FACED BY [MYER] IN CONJUNCTION WITH THE EXCESSES OF JURISDICTION EXERCISED BY THE RESPONDENT IN THE CLEAR SHOWING OF THE FACTS AND THE SITUATION TO BE OF OPPOSITE DEMAND ACCORDING TO LAW.

[Myer] Documented the Facts and Situation.

The Unlawful Detainer action and the Default Judgement rendered therein by the Respondent when [Myer] set a hearing with NOTICE OF MOTION AND MOTION TO QUASH FOR LACK OF JURISDICTION in response to new service of SUMMONSES and COMPLAINTS shows that [Myer] needs the lower tribunal to be compelled to QUASH ALL PROCEEDINGS AND

REVERSE ITS DEFAULT JUDGEMENT, and [Mye
has no other plain, speedy, or adequa
remedy in the ordinary course of la
[Myer], as the facts show, has a benef
cial interest and is entitled to t
enjoyment of the right of possessi
along with his purchase/ownership. Due
the summary nature of the proceedings
the lower tribunal, as well as the proc
dural and jurisdictional violation
granting of the application EX PARTE
most appropriate. It is most appropria
to totally arrest the actions of t
Respondent (and [Pacific]) in this matt
(CCP 1085, 1086, 1102, 1103, 1107).

VI.

A WRIT OF MANDATE OR PROHIBITION
SHOULD BE ISSUED....

Lower Tribunal Required to Apply t
Proper Law.

A Writ of Mandate is the appropria
remedy to direct the trial court to app

the proper law (Hurtado v. Superior Court (1974) 11 Cal.3d 574, 579; 114 Cal.Rptr. 106; 522 P.2d 666). This must also hold in this situation where the lower tribunal has failed to apply the proper law and did not have jurisdiction:

> If title is inevitably in issue in an Unlawful Detainer action, the action is not within the jurisdiction of the municipal court. (Asuncion v. Superior Court (1980) 108 Cal.App. 3d 141, 146; 166 Cal.Rptr. 306).

And where there is no jurisdiction, there is no proper, valid, lawful or legal authority to proceed:

> ...mere good faith assertions of jurisdiction have been abolished. (Owens v. City of Independence 100 S.Ct. 1398).

> No officer can acquire jurisdiction by deciding that he has it. The officer, whether judicial or ministerial, decides at his peril. (Middleton v. Low 30 Cal.596).

> Where there is no jurisdiction there is no judge; the proceeding is as nothing.

(Manning v. Ketcham, 58 F.2d 948).

Also, there was no valid jurisdict
since there was no valid cause of act
by [Pacific] since there was no Landlo
Tenant relationship:

> In an unlawful detainer actio
> the Plaintiff must prove that
> landlord/tenant relationship
> exists.
> (Klein v. Loeffler (1929)
> 96 Cal.App. 383, 385; 274 P. 37

> A complaint in an unlawful deta
> er proceeding must plead the fa
> that a landlord-tenant relatio
> ship exists between the parties.
> (Fredericksen v. McCosker
> (1956) 143 Cal.App.2d 114,117-1
> 299 P.2d 908).

Since there was no landlord/tenant rela
ionship, there was no rent due, three-d
notice did not demand the precise amou
of rent due on its face, and [My
raised the issues of sufficiency of se
vice of both the three-day notice to qu
and the COMPLAINT(S) and SUMMONS(ES)
Respondent and [Pacific]:

> Where an insufficient three-day notice is served, the complaint fails to state a cause of action. (Baugh v. Consumers Associates, Ltd. (1966) 241 Cal.App.2d 672, 675; 50 Cal.Rptr. 822).
>
> Strict compliance with the statutory provisions relating to the three-day notice to quit is a prerequisite to seeking the summary remedy of unlawful detainer. (Baugh v. Consumers Associates, Ltd., supra).

JUDICIAL NOTICE IS TO BE TAKEN OF PETITIONER'S EXHIBITS "B", "F", AND "K".... Furthermore:

> The failure to properly serve (three-day quit) notice on persons recognized as tenants in possession of the premises requires a judgment in their favor in the unlawful detainer action. (Kwok v. Bergren (1982) 130 Cal.App.3d 596, 600; 181 Cal.Rptr. 795).

With the situation of [Myer] being Owner/Purchaser of the subject property, and [Pacific's] perfection of title being a fraud, and all other facts relevant to this case as part of the record herein,

it holds that:

> [O]ne who seeks the summary remedy of unlawful detainer allowed by the statue must bring himself clearly within its terms. (Horton-Howard v. Payton (1919) 44 Cal.App. 108, 112; 186 P. 167).

Furthermore, [Myer] has filed in Superior Court an appropriate action to enforce his position with respect to the subject property, and in accordance with this suit, a NOTICE OF PENDING ACTION (part of EXHIBITS "F" and "K"). Accordingly, the jurisdiction and control of the subject property rest with the Superior Court and not with the Respondent Municipal Court (and, with other items, Respondent has been noticed as to this in [Myer's pleadings):

> A "lis pendens" is for the purpose of giving notice of the jurisdiction or control which the court acquired over property involved in a suit pending the continuance of the action.

(State v. Washington Dredging & Improvement Co., 86 P. 936, 938; 43 Wash. 508, adopting definition in Washington Dredging & Improvement Co. v. Kinnear, 64 P. 522; 24 Wash. 405).

This is a fundamental concept of the lis pendens and with the doctrine of lis pendens, rights and interests of property involved in litigation must be preserved in the status quo:

> The doctrine of lis pendens has long been established and recognized as the general law of the land upon the broad public policy of maintaining the status quo of rights and interests in property involved in litigation, not only as between the parties thereto but as to third parties having conflicting interests, until the action pending has been finally adjudicated.
> (Cook v. Mozer, 140 N.E. 590, 592; 108 Ohio St. 30).

VII.

PETITIONER WAS CORRECT TO FILE MOTIONS AND DEMANDS TO QUASH FOR LACK OFJURISDICTION WITH RESPONDENT'S COURT, EVEN AT THE STAGE AFTER THE SERVICE OF THE SUMMONSES AND COMPLAINTS AS NOTED IN ITEM 10

OF THE EMERGENCY PETITION OF WHICH THIS MEMORANDUM OF POINTS AND AUTHORITIES IS IN SUPPORT.

[Myer] Properly Demanded Quash o Service of Summons and Complaint:

> A motion to quash service of sum mons is proper in an unlawfu detainer proceeding. (CCP Sec. 1177).

By serving "DOE 2" and "DOE 3" on Januar 19, 1984, and re-serving "DOE 1" on tha date (in the evening at about 7:00 p.m.) yet "DOE 1" now became "Mrs. Jeremy Myer (see EXHIBIT "H" AMENDMENT TO COMPLAINT whereas "DOE 1" was the first SUMMONS AN COMPLAINT to which...Mr. Jeremy Myer responded (see EXHIBIT "A") albei as SPECIAL APPEARANCE (see EXHIBIT "B") [Myer] (and his family/household, fo whom he also acted) had until January 24 1984, to answer (CCP 1167.3) or to MOTIO TO QUASH SERVICE (CCP 1167.4):

> On or before the last day of his her time to plead,...a defendan may serve and file a notice o

motion to quash service of summons on the ground of lack of jurisdiction of the court over him/her. (CCP Sec. 418.10(a)(1)).

[Myer] acted properly in accordance with CCP Sec. 1167.4 and 418.10(a)(1), and the Respondent's Court improperly denied the MOTION(S) and DEMANDS to QUASH as well as the granting of 'default judgement' to [Pacific].

....dated: January 30, 1984.

Respectfully submitted,

Jeremy Myer
Petitioner

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am the Petitioner to the above-entitled action or proceeding. I have read the foregoing EMERGENCY PETITION FOR WRIT OF MANDATE/PROHIBITION/JUDICIAL REVIEW/JUSTICE EX PARTE and the MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EMERGENCY

PETITION FOR WRIT OF MANDATE/PROHIBITION/ JUDICIAL REVIEW/JUSTICE EX PARTE (CCP Sec 1085, 1086, 1102, 1103, 1107); and know the contents thereof. I affirm that the same are true of my own knowledge, except to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I affirm that the foregoing is true and correct.

Executed on January 30, 1984, at Anaheim, California.

Jeremy Myer
Petitioner, In Propria Persona

IN THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

JEREMY MYER, Petitioner,	)	
v.	)	Civil Action No. 42-14-46
THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, Respondent,	)	
PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	)	

PETITION FOR WRIT OF MANDATE/PROHIBITION/
JUDICIAL REVIEW/JUSTICE

(CCP SEC. 1085, 1086, 1102, 1103)

HEARING DATE: MARCH 12, 1984
TIME: 9:30 A. M.
DEPT: 23

NOTICE OF HEARING & PAPERS PREVIOUSLY
FILED AND MAILED TO RESPONDENTS AND
REAL PARTY IN INTEREST

NOTICE IS HEREBY GIVEN that the subject has been set for hearing on March 12, 1984,....

[Myer's] papers were previously filed with the Court and mailed to Repon-

dents, the Municipal Court, and Attorney for [Pacific] on January 31, 1984. Said papers are part of the Municipal Court file for the Case in question: Case No. A 73032. Said Papers are:

EMERGENCY PETITION FOR WRIT OF MANDATE/PROHIBITION/JUDICIAL REVIEW/JUSTICE

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF MANDATE/PROHIBITION/JUDICIAL REVIEW/JUSTICE

EMERGENCY PETITION FOR WRIT OF MANDATE/PROHIBITION/JUDICIAL REVIEW/JUSTICE
E X H I B I T S

....

Dated: February 21, 1984.

Respectfully submitted,

Jeremy Myer
Petitioner

VERIFICATION

I am the Petitioner....

Executed on February 21, 1984,....

Jeremy Myer
Petitioner, In Pro Per